IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 2460 of 1997

Between:

B.Nandini, W/o Ramalinga Raju, Director, Satyam Homes Pvt., Ltd., May Fair Centre, repl by G.P.A. Holder M.Ranga Raju.

..... PETITIONER

AND

1. The Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Saifabad, Hyderabad.
3. The Joint Collector, Ranga Reddy District, Hyderabad.
4. The Mandal Revenue Officer, Qutbullapur Mandal, Qutbullapur, Ranga Reddy District.
5. The Municipal Commissioner, Qutbullapur Municipality, Qutbullapur, Ranga Reddy District.
6. The Vice Chairman, HUDA, Secunderabad.
7. K.Jagadamba, W/o Prabhakar, Coolie, R/o 3-3-78, Petbashirabad.
8. Neelam Kamalamma, W/o Sriramulu, Coolie, R/o 3-2-87, Petbashirabad.
9. Vempalli Ratnamma, W/o Rajamallu, Coolie, R/o 3-3-99, Petbashirabad.

10. Koyalkari Amrutha, W/o Sriramulu, Coolie, R/o 3-3-79, Petbashirabad.
11. J.Pochamma, W/o Mallaiah, Housewife, R/o 3-2-85, Petbashirabad.
12. Phani Pushpalatha, W/o Siddaiah Murthy, Coolie, R/o 3-3-52/1, Petbashirabad.
13. M.S.Lingamma, W/o M.S.Raju, Coolie, R/o 3-3-88/1, Petbashirabad.
14. Mandala Pushpamma, W/o M.Pandu, Coolie, R/o 3-1-1/1, Petbashirabad.
15. Mesarikari Sabita, W/o Maheshwar, Coolie, R/o 3-1-29, Petbashirabad.
16. Bijilipuram Ramulamma, W/o Nagaiah, Coolie, R/o 3-4-3/1, Petbashirabad.
17. Sadu Prasad S/o Anjaiah, Coolie, R/o 3-3-81.
18. Kodimela Bal Narsamma, W/o Ramulu,Coolie, R/o 3-1-45.
19. Kappa Yadagiri S/o Ramaiah, Coolie, R/o 3-3-77.
20. Kappa A.S.Venkata Lakshmi W/o Ramgopal, Coolie, R/o 3-3-43/1.
21. J.Sulochana W/o David Kumar, Coolie, R/o 3-3-47/1.
22. Indukuri Sai Kumari, W/o I.S.Raju, Housewife, R/o 3-3-68/3.
23. Chigurupalli Shobha, W/o Kistaiah, Coolie, R/o 3-1-35.
24. R.Amrutha, W/o Ramchander, Coolie, R/o 3-1-31.
25. Makam Salamma, W/o Pethuru, Coolie, R/o 3-2-89/2
26. Pipula Swaroopa W/o Sathyanarayana, Coolie, R/o 3-3-81/1.
27. Ragula Rukkamma, W/o Shankaraiah, Coolie, R/o 3-4-3/2.
28. Uddemarri Ramulamma W/o Jagataiah, Houseife, R/o 3-2-54.
29. Bairi Sujatha, W/o Anjaneyulu, Coolie, R/o 3-3-51.
30. Sriramula Bharatamma, W/o Ailyalle, Coolie, R/o 3-3-36.
31. J.Lakshmaiah, S/o Rajagoud, Coolie, R/o 3-3-55/2.
32. Mandala Ramulamma, W/o late Yettaiah, Housewife, R/o 3-3-55.
33. M.Nazima, W/o M.A.Sattar, Coolie, R/o 3-3-58/1.
34. Guntu Anand Rao,S/o David, Coolie, R/o 3-2-89/2.
35. Kontham Yenkamma, W/o Mallaiah, Coolie, R/o 3-2-81/1.
36. Varukula Anjamma, W/o Buchi Ramulu, Coolie, R/o 3-3-7.
37. Cheryal Lakshma Goud, S/o Narsaiah, Coolie, R/o 3-1-55/2.
38. Kummari Kistamma, W/o Muthyalu, Coolie, R/o 3-1-34/2.
39. Bhamur Shyamalamma, w/o Malla Reddy, Coolie, R/o 3-1-51.

40. Ch.Jagadamba w/o Bikshapathi, Coolie, R/o 3-1-44.
41. M.Kalavathi w/o Yellaiah, House wife, R/o Pet Bashirabad.
42. Sanenboina Lakshmi, w/o Ramulu, Coolie, R/o 3-1-43.
43. Chigurupalli Narayana w/o Mallaiah, Coolie, R/o 3-2-85/1.
44. Mandala Shiva Kumar s/o Eshwaraiah, Coolie, R/o 3-3-46.
45. Rambagh Devi w/o Saibabu, Coolie, R/o 3-3-32.
46. Chitlaboina Manemma w/o Bikshapathi, Coolie, R/o 3-1-44.
47. Hasmathpaet Vidyavathi w/o Narsing Rao, Coolie, R/o 3-3-55.
48. Bingi Ilamma, w/o Karraiah, Coolie, R/o 3-2-88/1.
49. R.Vimalavathi D/o Umashanker, Housewife, R/o 3-2-58
50. K.Geetha w/o Gururaja Rao, Housewife, R/o 3-3-68/3.
51. Danthuluri Sharada w/o Satyanarayana, Housewife, R/o 3-3-68/2.
52. G.Vijayalakshmi, w/o Satyanarayana, Houswife, R/o 3-3-98/1.
53. Puli Rani, w/o Yadagiri, Housewife, R/o 3-2-92/1.
54. Regula Balamani D/o Balaiah, Housewife, R/o 3-3-21/1.
55. Dapa Narsamma w/o Muthaiah, Coolie, R/o 3-2-90/1.
56. Kashboina Yadaiah s/o Yellaiah, Coolie, R/o 3-2-19/2
57. Singari Venkata Lakshmi w/o Venkaiah, Coolie, R/o 3-2-91/1.
58. K.Kalavathi (Gouraiah gouri) w/o Gouraiah, Coolie, R/o 3-3-51/1.
59. Uddemarri Padmavathi w/o Nagadasu, Housewife, R/o 3-2-71.
60. G.Muthangi Shailaja w/o Veeraiah, Coolie, R/o 3-2-73/1.
61. Mandala Shamadevi w/o Narahari, Coolie, R/o 3-1-2.
62. G.Jagadamba w/o Yadagiri, Housewife, R/o 3-3-10.
63. Veeramalla Lakshmi, w/o Nagender, Housewife, R/o 3-3-43.
64. Mangoli Manemma, w/o Sathyanarayana, Coolie, R/o 3-1-33.
65. Chandra Andalu w/o Mathyalu, Housewife, R/o 3-1-24.
66. Sandenboina Swaroopa, w/o Narayana, Coolie, R/o 3-3-53.
67. D.Nagesh w/o Panduraj, Coolie, R/o 3-3-48.
68. P.Nirmala w/o Srinivas, Coolie, R/o 3-3-42.
69. Kunche Niranjan d/o Shankariah, Coolie.

70. Hasmathpet Anasuya, w/o Mallesha.
71. K.Anasuya (Kalidindi) w/o Ramaraju.
72. Rambagh Indumathi w/o Nagender.
73. B.Pushpalatha w/o Narasimha Reddy.
74. Pallapati Butchamma, w/o Anjaiah.
75. S.Sravan Kumari, w/o Shankaraiah.
76. Avusula Ramulamma, w/o Dasharatha.
77. V.R.Jayalakshmi, w/o Satyanarayana
78. K.Rajamani w/o Nam Devi.
79. Gundla Yadamma, w/o Balaiah.
80. T.Pushpa w/o Pandu.
81. B.Jagadama w/o Anjaiah
82. Kashaboina Lakshmi w/o Hanumaiah.
83. Yellanki Lalitha w/o Narasimha swamy.
84. A.Jayalakshmi w/o A.Venkataiah.
85. Mandala Meena Bai, w/o Sadanandam.
86. B.Anasuya, w/o Dhanunjaya.
87. Narani Venkatesh, s/o Varadaiah.
88. Anneboina Ramulamma, w/o Ramulu
89. Manda Pentamma w/o Mallaiah.
90. V.N.Janabai w/o Pochaiah.
91. M.Nagamani w/o Prabhakar.
92. Budida Yadamma w/o Yadagiri.
93. Kontham Ramulamma w/o Balaiah
94. V.R.Balamani w/o Sheshukumar.
95. V.Neelamma w/o Narasaiah
96. J.Jayamma w/o Lakshman.
97. K.Narayana s/o Mallaiah.
98. Dandu Bhagyalakshmi w/o Krishnam Raju, R/o 3-3-68/2.
99. U.V.R.Aruna w/o Ram Dass.

100. Vutukuri Someshwari w/o Narasimha Raju.
101. P.Gopala S/o Garataiah.
102. Chittaboina Vijayalakshmi, w/o Lingam
103. M.Vanajakshi w/o Shankeraiah
104. Rambagh Kousalya w/o Sathyanarayana
105. Akkarapu Venkatamma w/o Sathaiah
106. Kummari Bharathi w/o Balram
107. R.Saraswathi w/o Arjun
108. P.Pochamma w/o Bagaiah
109. Uddemarri Rani w/o Saibabu
110. A.Pochamma w/o Mallesha
111. Buna Kistamma w/o Mallaiah
112. Budida Pushpa w/o Sathyanarayana
113. R.Suvarna w/o Sriramulu
114. U.Venkatadri s/o Rajanna
115. A.Ramesh s/o Dhananjaya
116. P.Andaalu w/o Venkataiah
117. Mahadevuni Chandra Kala w/o Shankeraiah
118. Chilkuri Sattaiah s/o Latchaiah
119. Srinivas s/o Sattaiah
120. A.Subramanyam s/o Lakshmperumal
121. T.Yadamma w/o Mohan
122. Ch.Yadagiri s/o Pochaiah
123. Pulakanti Kavita w/o Prem Rao
124. K.Murali s/o Yellaiah
125. S.Narsimha s/o Narsaiah
126. B.Sunita Devi w/o Manohar
127. B.Gopal s/o Narsimha
128. Beku Padma w/o Sathyanarayana
129. G.Anjaneyulu Goud s/o Malla Goud

130. Kummari Krishna s/o Pentaiah
131. A.Bikshapathi s/o Peddulu
132. M.Veeresh s/o Balaiah
133. Chilukuri Ramesh s/o Balaiah
134. Beku Ashok s/o Venkataswamy
135. Dammani Sravan Kumar s/o Sattaiah
136. Beku Rajamma w/o Balaiah
137. Beku Srinivas s/o Kistaiah
138. Neelam Dasharatham s/o Hanumaiah
139. Chilukuri Shanker s/o Latchaiah
140. Jathara Garuda Chari s/o Sathyanarayana
141. Dammani Sarojani w/o late Pentaiah
142. Gudise Swaroopa w/o Lakshmaiah
143. K.Nagender s/o Rajaiah
144. K.Narayana s/o Pochaiah
145. N.Chennaiah s/o Nagaiah
146. P.Samba Murthy s/o Appa Rao
147. G.Surya Kumari w/o G.S.Narayana
148. Chinta Sathyanarayana s/o Venkat Swamy
149. Yerra Yadagiri s/o Lingaiah
150. M.Narsing Rao s/o Balaiah
151. M.Narsing Rao s/o Balaiah
152. S.Lakshmaiah s/o Pochaiah
153. Nalla Yellubai w/o Ramappa
154. M.Sathyam s/o Balaiah
155. Kitchugari Shankeraiah, s/o Latchaiah
156. Kontam Narsimha s/o Narsimha
157. G.Sathyanarayana, s/o Ramaswamy
158. Madduri Krishna s/o Veeraiah
159. Gude Yadamma w/o Narsimha

160. Jikkala Narsing Rao s/o Shankeraiah
161. Gunnala Lakshman s/o Ramanaiah
162. Donda Shyam Rao s/o Anjaiah
163. E.Ravindran s/o Prakash
164. P.Krishna s/o Rajaiah
165. Banda Jyothi w/o Ashok
166. N.J.Javeer s/o James
167. Chittaboina Pochaiah s/o Pentaiah
168. P.Rama Raju s/o Venkatraju
169. N.Shankar s/o Eswariah
170. Y.Narsaiah s/o Narsaiah
171. N.Krishna, s/o Kistaiah
172. Y.Chittaiah s/o Anjaiah
173. G.Yettaiah s/o Shivaiah
174. N.Padmaji Rao s/o Subba Rao
175. Vishwa Nadha Raju s/o Seetharama Raju
176. Anjaiah S/o Mallaiah
177. G.Susheela w/o Hanmanth Rao
178. Balesh s/o Yellaiah
179. Gaddam Babu Rao s/o Rajaiah
180. G.Gopal S/o Balaiah
181. Beku Mahender s/o Muthyalu
182. D.Aruna Jyothi w/o Rama Krishna
183. A.Jitender s/o Jagan
184. B.Moharrom Rao s/o Pochaiah
185. Akula Ramulu s/o Venkaiah
186. P.Mahipal Reddy s/o Ram Reddy
187. K.Sujatha w/o Venkatesham
188. P.Susheela w/o Lingaiah
189. K.Bhagyamma w/o Narsimha

190. K.Gopal s/o Balaiah

191. Lingala Sailu s/o Chittaiah

192. Yelika Ramanaiah s/o Venkataiah

193. Sathala Bharathi w/o Narsiah

194. K.K.Lakshmi Kuthy, w/o K.K.Nair

195. M.Narsing Rao s/o Jagannatha

196. K.Paramanamma w/o Anjaiah

197. S.Sadanandam s/o Anjaiah

198. V.Padma Rao s/o Shakeraiah

199. K.Pentaiah s/o Ramchander

200. B.Radhika w/o Ashok

201. U.Dashratha s/o Rajanna

202. G.Nagabhushanam s/o G.Kistaiah, Coolie, r/o 2-6-65, Petbashirabad, R.R. district.

203. Chilukur Sathaiah, s/o Rajaiah, Coolie, r/o 2-4-44, Petbashirabad, R.R. District.

204. Anthali Lingaiah s/o Chandraiah, Coolie, R/o 3-5-18, Petbashirabad, R.R. District.

205. Md.Khaja Miya, S/o Nabisab, Pvt. Employee, r/o 2-8-58, Petbashirabad, R.R. District.

206. Sakkubai w/o Pentaiah, Housewife r/o2-2-16/1, Petbashirabad, R.R. District.

207. Vijaya Lakshmi w/o Narasihma, House wife, r/o 2-2-104/1, Petbashirabad, R.R. District.

208. Smt.A.Srivani, w/o Srinivas, Housewife, r/o 3-5-63/1, Petbashirabad, R.R. District.

209. T.Balaiah, s/o Anjaiah, Coolie, r/o 3-2-89, Petbashirabad, R.R. District.

210. Smt.K.Subadhramma, w/o Narasimhachari, Coolie, r/o 2-6-89, Petbashirabad, R.R. District.

211. Smt.T.Latha, w/o Ashok, Coolie, r/o 3-4-43, Petbashirabad, R.R. District.

212. Smt.Venkatamma, w/o Anjaiah, Coolie, r/o 2-6-58/1, Petbashirabad, R.R. District.

213. Udaya Rani, w/o Raju, Housewife, r/o 2-5-100, Petbashirabad, R.R. District.

214. Sri Talari Anjaiah, s/o Mallaiah, Coolie, r/o 2-2-54/2, Petbashirabad, R.R. District.

215. Sri Beku Dasharatha, s/o Ushaiah, Coolie, r/o 2-2-81, Petbashirabad, R.R. District.

216. Smt.G.Susheela, w/o Hanmanth Rao, Housewife, r/o Petbashirabad, R.R. District.

217. Sri S.Yadagiri, s/o Yadaiah, Coolie, r/o 2-6-295, Petbashirabad, R.R. District.

218. Smt.T.Sayamma, w/o Jagan, Coolie, r/o 2-2-118, Petbashirabad, R.R. District.

219. Sri Shaik Babu Rao, s/o Dharmaji, Coolie, r/o 3-1-82, Petbashirabad, R.R. District.

220. Smt.Akkarapu Yellamma, w/o A.Chandraiah, Coolie, r/o 3-2-63, Petbashirabad, R.R. District.

221. Sri Madraboina Ilaiah, s/o Veeraiah, Coolie, r/o 3-2-90, Petbashirabad, R.R. District.

222. Smt.Rama Rao Gari Ratnamma, w/o Rama Rao, Coolie, r/o 3-4/16/2, Petbashirabad, R.R. District.

223. Sri G.Rajesh s/o Rajaiah, Coolie, r/o 3-5-143, Petbashirabad, R.R. District.

224. Smt.Chilukuri Balamani, w/o Narsimha @ Krishna, Coolie, r/o 3-4-59, Petbashirabad, R.R. District.

225. Smt.J.Gandemma, w/o Veeraiah, Housewife, r/o 3-5-13, Petbashirabad, R.R. District.

226. Sri Lavangam Pandurangam, s/o late L.Sri Ramulu, Coolie, r/o 2-1-5/1, Petbashirabad, R.R. District.

227. Sri N.Jagan s/o Mallaiah, Coolie, r/o 3-5-123, Petbashirabad, R.R. District.

228. Md.Isub, s/o Ibrahim, Coolie, r/o 3-4-24, Petbashirabad, R.R. District.

229. Smt.A.S.Sathyamma, w/o Narsimha, Coolie, r/o 2-2-110, Petbashirabad, R.R. District.

230. Sri V.Vittal Sarma, s/o Ramachander, Pujari, r/o 3-3-70, Petbashirabad, R.R. District.

231. Sri Chilukuri Rajaiah, s/o Narsimha, Coolie, r/o 3-4-49, Petbashirabad, R.R. District.

232. Smt. Beku Narsamma, w/o Lakshmaiah, Coolie, r/o 3-5-67/1, Petbashirabad, R.R. District.

233. Sri T.Venkateshwar Rao, S/o T.Someshwar Rao, Helper, r/o 3-5-134, Petbashirabad, R.R. District.

234. Smt.P.Gandemma, w/o Anjaiah, Coolie, r/o 3-5-42/1, Petbashirabad, R.R. District.

(Respondents 7 to 201 are residents of Pet Basheerabad and occupation Coolie)

(Respondents 7 to 201 are impleaded as per court order dated 26-7-1999 in WPMP No.18430 of 1999)

(Respondents 202 to 234 are impleaded as per court order dated 31-1-2005 in WPMP No.31003 of 2003).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus directing the respondents not to issue any patta in the Nalla land in Survey No.23 of Pet Bashirabad, Qutbullapur Mandal, Ranga Reddy District and to restore the “Nalla” in order to facilitate passing of the rain water and excess water of the two kuntas situated in the village.

Counsel for the Petitioner:MR.B.VENKAT RAMA RAO

Counsel for the respondents 1 to 4: The Govt. Pleader for Assignments

Counsel for the Respondent No.5: None appeared

Counsel for the Respondent No.6: MR.T.NIRANJAN REDDY

Counsel for the Respondent Nos.7 to 234: Mr.A.Narasimha Rao

For Mr.Fazal Yousufuddin

W.P.No.8597 of 2001:

Pet Basheerabagh and Jeedimetla Weaker Section Society (Regd No.475/93) rep. By S.Chandra Sekhar s/o late Sri Shankariah, business, r/o No.3-2-99 (Old 1-76) Pet Basheerbagh Village, Jeedimetla, Ranga Reddy District.

Petitioner

And

1. The Secretary, Revenue Department, Government of A.P., Secretariat, Hyderabad.
2. The Collector, Ranga Reddy District, Saifabad, Hyderabad.
3. The Joint Collector, Ranga Reddy District, Lakadikapul, Hyderabad.
4. The Revenue Divisional Officer, Ranga Reddy District, Hyderabad.

5. The Mandal Revenue Officer, Qutubullapur Mandal, Qutubullapur, Ranga Reddy District.
6. The Municipal Commissioner, Qutubullapur Municipality, Qutubullapur, Ranga Reddy District.
7. The Vice Chairman and Managing Director, HUDA, Hyderabad.
8. J.Devender Rao s/o late Venkat Narahari Rao, Advocate, c/o premises in Sy.No.12, Pet Basheerbad, Qutubullapur Mandal, Ranga Reddy District.
9. P.Rajith Reddy, s/o P.Sudershan Reddy, Business, c/o premises in Sy.No.24, Pet Basheerabad, Qutubullapur Mandal, Ranga Reddy District.
10. K.V.Narasimha Raju, s/o Narsa Raju, Service, R/o Plot No.108, NCL Enclave, Mechal Road, Petbasheerabad, Secunderabad.
11. N.S..r.Prasad Raju, s/o N.Venkat Raju, Service, Plot No.102, H.No.1-11-219/1, Sri Kiran Apts., Gurumurthy lane, Begumpet, Hyderabad.
12. S.K.Bhatnagar, s/o late Dr.Ram Kishore, Business, r/o IIIrd B&C Rayalam Nest Apts., Ganga Enclave, Medchal Road, Pet Basheerabad, Secunderabad.

(Respondents 8 to 12 are impleaded as per court order dated 22-12-2004 in WPMP No.12530 of 2004)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus by declaring the inaction of the respondents herein in not allotting the house sites to the members of the petitioner society as illegal, arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: Mr.A.Narasimha Rao for Mr.Fazal Yousufuddin

Counsel for the Respondent Nos.1 to 5: The Govt. Pleader for Assignments

Counsel for the Respondent No.6: None appeared.

Counsel for the Respondent No.7: Mr.T.Niranjan Reddy

Counsel for the Respondent Nos.8 to 12: Mr.B.Venkata Rama Rao

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Both these petitions are taken up together for disposal. W.P.No.2460 of 1997 was filed by one B.Nandini, seeking direction against the respondents not to issue any patta in the land in Survey No.23 of Pet Basheerabad village, Kuthbullapur Mandal, Ranga Redy District and to restore the said land as "Nala" (water course) in order to facilitate passing of the rain water and excess water of two kuntas situated in the village. Respondents 1 to 6 are the official respondents and respondents 7 to 201 are implead respondents to whom land was sought to be allotted in survey No.23.

W.P.No.8597 of 2001 is by the Pet Basheerabad and Jeedimetla Weaker Sections Society in which respondents 1 to 7 are official respondents and respondents 8 to 12 are the implead respondents, who are the owners and

occupants of plots in Housing colony known as N.C.L. enclave. Prayer in the writ petition is to declare the action of the respondents in not allotting house site pattas to the members of the petitioner-society as illegal.

Facts in W.P.No.2460 of 1997 alone will suffice to decide the two writ petitions. It is alleged that petitioner purchased survey Nos.26 and 27 in Pet Basheerabad village in the year 1971. In association with a developer, land was developed and housing colony by name Satyam Enclave was developed after obtaining necessary permission from the respondents. The petitioner further alleged that Survey No.23 is recorded in the revenue records as 'nala' and in the rainy season, the entire rain water passes through the nala and there are two kuntas in the village viz., Nallakunta and Pulicherla kunta and water of these kuntas along with rain water passes through the nala. In order to grab this nala, some people with ulterior motive filled up the nala and then applied to the Government for allotting the land to them. Petitioner apprehends that in case house site pattas are allotted to persons in any part of the land in Survey No.23, it would adversely affect the rights of the plot owners of the nearby colonies such as NCC, Nirman, Ganga Enclave etc. She alleged that the plot owners purchased plots of land with hard earned money with a view to construct buildings and in case the nala is not restored to its original position, they will suffer irreparable loss since it will have the effect of causing damage to their plots. After filing of this writ petition, when house sites were not allotted, the other petition was filed.

Petitioner is placing reliance upon the village map wherein Survey No.23 is shown as nala. A comprehensive affidavit has been filed by P.Raja Ram, Mandal Revenue Officer, Kuthbullapur Mandal, Ranga Reddy District denying the existence of nala in Survey No.23. It is not disputed that in the revenue record, the entire land in Survey No.23 is shown as nala. According to the counter affidavit, on either side of Survey No.23, there are patta lands, which have been converted into plots and at the lower end of survey No.23, the land is a posh residential colony named as NCL Colony. The said nala in survey No.23 is not useful for feeder channel to Vennala Cheru of Jeedimetla village as the nala in Survey No.23 is not in existence either in Survey No.23 or in any other adjacent land. Both the lower side and upper sides of

Survey No.23 are closed. Mallelakunta and Pullacheruvu kunta are not existing on the site and no rain water accumulates in the said kuntas. Since the upper end of the nala stands already closed, question of flowing rain water from kuntas does not arise. It is stated that the Collector, Ranga Reddy District had called for a report while sending list of 321 persons for allotment of house site pattas in survey No.23. Survey No.23 is classified in the revenue record as 'poramboke sarkari'. There is a need for allotment of house site pattas to weaker sections and as earlier no house site pattas were issued to the villagers, the Revenue Divisional Officer was directed to issue house site pattas after conducting socio economic survey of persons and to send lay out plan for approval of HUDA. Proposal was submitted to the Collector, Ranga Reddy District, who, in turn, sent the layout to HUDA for approval. HUDA initially had raised objection because revenue record disclosed the place as nala but on inspection of the site with the help of Collector, HUDA said it would reexamine the proposal. It is stated that shramadan was conducted and the area was made level. Kuntas are not existing on the spot and the nala also stands covered up. Therefore, the stand of the petitioner that land cannot be given as house site pattas is not correct.

Learned counsel for the petitioner submitted that under the Water, Land and Trees Act, 2002, there is an obligation on the part of the State to maintain the water bodies including nalas viz.,water courses or drainage courses. He places reliance on Sections 8 and 23 of the said Act.

Reliance placed on the provisions of A.P. Water, Land and Trees Act, 2002 is misconceived inasmuch as it is only after notification of the land as water body or nala that there is an obligation on the State to maintain it. The mere fact that the nature of the land is a nala, it, by no stretch of imagination, be treated as a nala. What is to be seen is whether as of today the nature of land has remained the same as is reflected in the revenue record. The factual position suggests otherwise. Number of residential colonies have come up in and around Survey No.23. The upper and lower ends of Survey No.23 have already been developed. There is no inlet, and no outlet. There is no nala existing. Reliance was also placed upon the Andhra Pradesh Board Standing Orders more particularly on the disposal of assessed land not being a reserve. Clause 4 of the Board Standing Orders classifies the land which may be assigned or which may not be assigned. Sub-clause (h) says

that water courses, porambokes viz., margin channels, streams etc., cannot be assigned. In other words, there is a complete prohibition to assign lands which are classified as water courses.

To counter these submissions, learned counsel for the respondents submitted that the Board Standing Orders are not applicable to Hyderabad and Secunderabad areas and moreover the Board Standing Orders will apply provided the nature of the land is a water channel and when it is not a water channel, there is no prohibition and thus places reliance upon the judgment of a Division Bench of this Court in INTELLECTUALS FORUM, TIRUPATHI vs STATE OF A.P. [AIR 2001 AP 118].

The Collector had filed his affidavit in reply in November, 1998 saying that the upper and lower ends of Survey No.23 have been closed and are developed and the adjoining area has been developed and survey No.23 which was low lying area has since been filled up by Shramadan. These facts are not disputed by filing reply affidavit or at the Bar at the time of addressing arguments. Learned counsel for the petitioner simply relied upon the nature of the land recorded in the village map and contends that it being a nala, cannot be assigned. As a matter of fact, the petitioner on purchase of land, developed the land into a colony and made allotments of various plots. She has grievance and grievance is that Government should not make allotment of house site pattas in Survey No.23. The factual position as described by the Collector is not in dispute. On appraisal of the affidavits, we hold that by passage of time, the nature of land recorded in the revenue record is not in existence on the spot. It underwent sea change and as Survey No.23 is not a nala, there is no prohibition for the respondents in making use of the same in whatever manner the respondents would like to. Petitioner cannot seek direction against the respondents not to use the land for official purpose particularly for the benefit of the weaker sections of the society. It is not the case that even today, Survey No.23 is a low lying area or both the ends of the nala are open or water passes through the nala. Once the nature of land has changed, nothing prevents the respondents from dealing with the land as they like, more particularly in public interest.

Accordingly, we dismiss W.P.No.2460 of 1997.

W.P.No.8597 of 2001 stands disposed of holding that the official respondents are at liberty to deal with the land in Survey No.23 in the manner they would like to, further clarifying that there is no prohibition for granting house site pattas in the land in Survey No.23.

_____

DEVINDER GUPTA, CJ

31-1-2005

_____

M.NARAYANA REDDY, J

Tvr

To

1. The Secretary, Revenue Department, Government of A.P., Secretariat, Hyderabad.
2. The Collector, Ranga Reddy District, Saifabad, Hyderabad.
3. The Joint Collector, Ranga Reddy District, Lakadikapul, Hyderabad.
4. The Revenue Divisional Officer, Ranga Reddy District, Hyderabad.
5. The Mandal Revenue Officer, Qutubullapur Mandal, Qutubullapur, Ranga Reddy District.
6. The Municipal Commissioner, Qutubullapur Municipality, Qutubullapur, Ranga Reddy District.
7. The Vice Chairman and Managing Director, HUDA, Hyderabad.
8. 2 CCs to the Govt. Pleader for Assignments, High Court of A.P.,

   Hyderabad (OUT)

9. 2 CD copies.